

REMARKS

This Amendment is filed in response to the Office Action of June 12, 2008 in which claims 1-28 were rejected.

1. Co-pendency matters:

Attached in the Appendix hereof for the Examiner's reference is a copy of the one page Form PCT/IB/332 from the IB indicating that the U.S. was informed of its election as well as the one page "Notification of Receipt of Demand by Competent International Preliminary Examining Authority" (Form PCT/IPEA/402) which was the European Patent Office for the previous PCT application on the basis of which the present US application is a bypass continuation under 35 U.S.C. 120 and 365(c). The Demand was filed April 3, 2003, i.e., before expiration of 19 months from the priority date of September 3, 1999. Moreover, the applicant hereby certifies that the international application was not withdrawn either generally or as to the USA prior to the 30-month mark. Since the Demand was filed (for a case where the 20-month period expired before April 1, 2002), the international application did not become abandoned under former Rule 494 at the 20-month mark and the present application was permitted to wait until the 30-month mark from the priority date and this was done on March 1, 2002, i.e., two days before the thirty month mark of March 3, 2002 and while copendency was still in existence. A certified copy of the priority document PCT/EP99/6505 was filed May 29, 2002. See MPEP § 1895.

Therefore, the present continuation application is copending with the international application, and the claim of priority for this "by-pass" continuation is proper as is the cross-reference thereto on page 1 of the specification properly complies with Rule 76 and was timely made under Rule 78. Withdrawal of the objection is requested.

2. Formal claim objections:

Regarding item 3 on page 2 of the pending Office Action, appropriate amendment was made as follows:

In line 1, following the expression “comprising”, a “:” was added. The objection referring to line 5 was not understood as the expression “technologies” does not appear in line 5 and furthermore there is no difference seen between the proposal made by the Examiner. Rather, the objection could be understood to refer to line 4, and if so, a “,” was added after “technologies”.

With regard to the indefiniteness objections referring to claim 1, the Examiner’s objection is not understood. Rather, claim 1 as on file (since the response of April 26, 2007) already states in claim 1, first feature, “providing for performing switching between an incoming side and an outgoing side of a switching network element in a telecommunication network ...” (emphasis added). Thus, the indefiniteness objection in this regard against claim 1 is moot when properly reading claim 1 as on file. In any event, the word “performing” has been cancelled for clarity.

As to claim 2, it is pointed that claim 1, second feature, already mentions “... allocating switching technology-independent identifications to a call resource of said switching network element ...” (emphasis added). Therefore, mentioning of “said call resources in claim 2 is held to have sufficient antecedent basis for that limitation. Nonetheless, claim 2 is amended now to recite “said call resource comprises” to even more properly adapt the claim wording of claim 2 to the claim wording of claim 1 in formal aspects of US patent practice/law.

Withdrawal of the indefiniteness rejections is requested.

3. Prior art objections based on the not of record *Tilander* reference (US 7,035,268) under 35 U.S.C. 102(e):

The present application benefits from a filing as well as priority date of September 3, 1999.

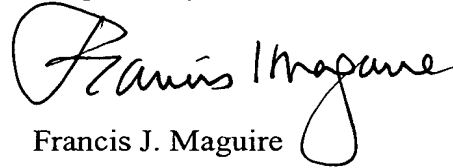
The cited *Tilander* reference is a continuation of a previous application. The previous application’s filing date also is September 3, 1999. Thus, *Tilander* as well as the present application were filed on the same day. However, under 35 USC 102(e), in order for a patent application to be applicable prior art, the filing date has to be before the filing/priority date of the application under examination. Thus,

*Tilander* fails to be based on a filing date that is before the filing/priority date of the present application. Therefore, *Tilander* is inapplicable prior art.

Withdrawal of the novelty rejection is requested.

The objections and rejections of the Office Action of June 12, 2008, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-28, as amended, to issue is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with a large loop at the end of the last name.

Francis J. Maguire  
Attorney for the Applicant  
Registration No. 31,391

FJM/mo  
Ware, Fressola, Van Der Sluys & Adolphson LLP  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
(203) 261-1234

# APPENDIX

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

# PCT

To:

LESON, Thomas  
TIEDTKE-BÜHLING-KINNE  
Bavariaring 4  
D-80336 München  
ALLEMAGNE

**INGEGANGEN**  
Patentanwälte  
23. April 2001  
TIEDTKE-BÜHLING-KINNE  
& PARTNER (GmbH)

## NOTIFICATION OF RECEIPT OF DEMAND BY COMPETENT INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(PCT Rules 59.3(e) and 61.1(b), first sentence  
and Administrative Instructions, Section 601(a))

Date of mailing  
(day/month/year)

**20. 04. 01**

Applicant's or agent's file reference  
**WO 24836**

### IMPORTANT NOTIFICATION

International application No.

**PCT/EP 99/ 06505**

International filing date (day/month/year)

**03/09/1999**

Priority date (day/month/year)

**03/09/1999**

Applicant

**NOKIA NETWORKS OY**

1. The applicant is hereby **notified** that this International Preliminary Examining Authority considers the following date as the date of receipt of the demand for international preliminary examination of the international application:

03/04/2001

2. This date of receipt is:

- ☒ the actual date of receipt of the demand by this Authority (Rule 61.1(b)).
- ☐ the actual date of receipt of the demand on behalf of this Authority (Rule 59.3(e)).
- ☐ the date on which this Authority has, in response to the invitation to correct defects in the demand (Form PCT/IPEA/404), received the required corrections.

3. ☐ **ATTENTION:** That date of receipt is **AFTER** the expiration of 19 months from the priority date. Consequently, the election(s) made in the demand does (do) not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)). Therefore, the acts for entry into the national phase must be performed within 20 months from the priority date (or later in some Offices) (Article 22). For details, see the *PCT Applicant's Guide*, Volume II.

- ☐ (If applicable) This notification confirms the information given by telephone, facsimile transmission or in person on:

4. Only where paragraph 3 applies, a copy of this notification has been sent to the International Bureau.

Name and mailing address of the IPEA/



European Patent Office  
D-80298 Munich  
Tel. (+49-89) 2399-0, Tx: 523656 epmu d  
Fax: (+49-89) 2399-4465

Authorized officer

**KAUFMANN S B**

Tel. (+49-89) 2399-2975



EINGEGANGEN  
Patentanwälte

21. Juni 2001

TIEDTKE · BÜHLING · KINNE  
& PARTNER (GbR)

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

To:

LESON, Thomas, Johannes, Alois  
Tiedtke-Bühling-Kinne & Partner GbR  
TBK-Patent  
Bavariaring 4  
D-80336 Munich  
ALLEMAGNE

INFORMATION CONCERNING ELECTED  
OFFICES NOTIFIED OF THEIR ELECTION

(PCT Rule 61.3)

Date of mailing (day/month/year)

13 June 2001 (13.06.01)

Applicant's or agent's file reference

WO 24836

IMPORTANT INFORMATION

International application No.

PCT/EP99/06505

International filing date (day/month/year)

03 September 1999 (03.09.99)

Priority date (day/month/year)

Applicant

NOKIA NETWORKS OY et al

1. The applicant is hereby informed that the International Bureau has, according to Article 31(7), notified each of the following Offices of its election:

EP : AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE

National : AU, BG, CA, CN, CZ, DE, IL, JP, KP, KR, MN, NO, NZ, PL, RO, RU, SE, SK, US

2. The following Offices have waived the requirement for the notification of their election; the notification will be sent to them by the International Bureau only upon their request:

AP : GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW

EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM

OA : BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG

National : AE, AL, AM, AT, AZ, BA, BB, BR, BY, CH, CU, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IN, IS, KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MW, MX, PT, SD, SG, SI, SL, TJ, TM, TR, TT, UA, UG, UZ, VN, YU, ZA, ZW

3. The applicant is reminded that he must enter the "national phase" before the expiration of 30 months from the priority date before each of the Offices listed above. This must be done by paying the national fee(s) and furnishing, if prescribed, a translation of the international application (Article 39(1)(a)), as well as, where applicable, by furnishing a translation of any annexes of the international preliminary examination report (Article 36(3)(b) and Rule 74.1).

Some offices have fixed time limits expiring later than the above-mentioned time limit. For detailed information about the applicable time limits and the acts to be performed upon entry into the national phase before a particular Office, see Volume II of the PCT Applicant's Guide.

The entry into the European regional phase is postponed until 31 months from the priority date for all States designated for the purposes of obtaining a European patent.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer:

Claudio Borton

Telephone No. (41-22) 338.83.38

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:  
 IPEA/ EPA

# PCT

## CHAPTER II

### DEMAND

under Article 31 of the Patent Cooperation Treaty:  
 The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty and hereby elects all eligible States (except where otherwise indicated).

For International Preliminary Examining Authority use only	
Identification of IPEA	Date of receipt of DEMAND
<b>Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION</b>	
Applicant's or agent's file reference WO 24836	
International application No. PCT/EP99/06505	International filing date (day/month/year) 03/09/1999 (3 September 1999)
(Earliest) Priority date (day/month/year)	
Title of invention SWITCHING METHOD AND NETWORK ELEMENT	
<b>Box No. II APPLICANT(S)</b>	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) NOKIA NETWORKS OY Keilalahdentie 4 FIN-02150 Espoo Finland	
Telephone No.: +358 9 551 610 70	
Facsimile No.: +358 9 511 612 80	
Teleprinter No.:	
State (that is, country) of nationality: FI	State (that is, country) of residence: FI
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) JORMANAINEN, Rainer Asemakuja 1 E 33 FIN-05400 Jokela Finland	
State (that is, country) of nationality: FI	State (that is, country) of residence: FI
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) HARJUNEN, Timo Korppaanmäentie 11 B 22 FIN-0300 Helsinki Finland	
State (that is, country) of nationality: FI	State (that is, country) of residence: FI
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.	

8166

**Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE**The following person is ☒ agent ☐ common representativeand ☒ has been appointed earlier and represents the applicant(s) also for international preliminary examination.☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*LESON, Thomas, Johannes, Alois  
Tiedtke-Bühling-Kinne & Partner GbR  
TBK-Patent  
Bavariaring 4  
80336 München  
DE

Telephone No.:

+49 (89) 544690

Facsimile No.:

+49 (89) 532611

Teleprinter No.:

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.**Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION****Statement concerning amendments:\***

1. The applicant wishes the international preliminary examination to start on the basis of:

☒ the international application as originally filedthe description ☒ as originally filed  
☐ as amended under Article 34the claims ☒ as originally filed  
☐ as amended under Article 19 (together with any accompanying statement)  
☐ as amended under Article 34the drawings ☒ as originally filed  
☐ as amended under Article 342. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.3. ☐ The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). *(This check-box may be marked only where the time limit under Article 19 has not yet expired.)*

\* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: english☒ which is the language in which the international application was filed.☐ which is the language of a translation furnished for the purposes of international search.☐ which is the language of publication of the international application.☐ which is the language of the translation (to be) furnished for the purposes of international preliminary examination.**Box No. V ELECTION OF STATES**The applicant hereby elects all eligible States *(that is, all States which have been designated and which are bound by Chapter II of the PCT)*

excluding the following States which the applicant wishes not to elect:



**Box No. VI CHECK LIST**

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- |  |   |        |
|--|---|--------|
| 1. translation of international application                              | : | sheets |
| 2. amendments under Article 34   | : | sheets |
| 3. copy (or, where required, translation) of amendments under Article 19 | : | sheets |
| 4. copy (or, where required, translation) of statement under Article 19  | : | sheets |
| 5. letter  | : | sheets |
| 6. other ( <i>specify</i> )  | : | sheets |

For International Preliminary  
Examining Authority use only

received                      not received

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> fee calculation sheet                             | 4. <input type="checkbox"/> statement explaining lack of signature                                  |
| 2. <input type="checkbox"/> separate signed power of attorney                            | 5. <input type="checkbox"/> nucleotide and or amino acid sequence listing in computer readable form |
| 3. <input type="checkbox"/> copy of general power of attorney; reference number, if any: | 6. <input type="checkbox"/> other ( <i>specify</i> ):   |

**Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE**

*Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).*

LESON, Thomas, Johannes, Alois  
Patentanwalt  
TBK-Patent

**For International Preliminary Examining Authority use only**

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

- |  |   |
|--|---|
| 3. <input type="checkbox"/> The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.                        | <input type="checkbox"/> The applicant has been informed accordingly. |
| 4. <input type="checkbox"/> The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5.                               |   |
| 5. <input type="checkbox"/> Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82. |   |

**For International Bureau use only**

Demand received from IPEA on:

## PCT

## FEE CALCULATION SHEET

Annex to the Demand for international preliminary examination

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">International application No.</td> <td>PCT/EP99/06505</td> </tr> <tr> <td>Applicant's or agent's file reference</td> <td>WO 24836</td> </tr> </table>	International application No.	PCT/EP99/06505	Applicant's or agent's file reference	WO 24836	<div style="border: 1px solid black; padding: 5px;"> For International Preliminary Examining Authority use only </div> <div style="border: 1px solid black; padding: 5px; height: 100px;"> Date stamp of the IPEA </div>
International application No.	PCT/EP99/06505				
Applicant's or agent's file reference	WO 24836				
Applicant NOKIA NETWORKS OY et al					
<b>Calculation of prescribed fees</b>  1. Preliminary examination fee ..... 1533,00 Euro <span style="border: 1px solid black; padding: 0 5px;">P</span>  2. Handling fee ( <i>Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.</i> ) ..... 148,00 Euro <span style="border: 1px solid black; padding: 0 5px;">H</span>  3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box ..... 1681,00 Euro <div style="border: 1px solid black; padding: 2px; text-align: center; width: fit-content; margin: 0 auto;">TOTAL</div>					
<b>Mode of Payment</b>  <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> authorization to charge deposit account with the IPEA (see below)  <input type="checkbox"/> cheque  <input type="checkbox"/> postal money order  <input type="checkbox"/> bank draft </div> <div> <input type="checkbox"/> cash  <input type="checkbox"/> revenue stamps  <input type="checkbox"/> coupons  <input type="checkbox"/> other (specify): </div> </div>					
<b>Deposit Account Authorization</b> ( <i>this mode of payment may not be available at all IPEAs</i> )  The IPEA/ <u>EPA</u> <input checked="" type="checkbox"/> is hereby authorized to charge the total fees indicated above to my deposit account.  <input checked="" type="checkbox"/> ( <i>this check-box may be marked only if the conditions for deposit accounts of the IPEA so permit</i> ) is hereby authorized to charge any deficiency or credit any overpayment in the total fees indicated above to my deposit account.					
28 000 428 Deposit Account Number	03 April 2001 Date (day/month/year)				
<div style="display: flex; justify-content: space-between;"> <div> LESON, Thomas, Johannes, Alois  Patentanwalt  Signature TBK-Patent </div> </div>					